

Appl. No : **10/081,027**
Filed : **February 21, 2002**

REMARKS

With this Amendment, Claims 1-23 are pending in the present application, Claims 1-3, 5, 6, 14, 15, 17, 18 and 21 are amended. Applicants respectfully request reconsideration of the rejections in view of the foregoing amendments, and the following remarks.

Anticipation under 35 U.S.C. § 102

Claims 6-9, 17 and 21-23 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,191,411 to Muckerheide. Applicants respectfully request reconsideration of the rejections and respectfully disagree with the Examiner's characterization of the cited reference.

The system of Muckerheide involves a video feedback loop created by directing a camera and a video projector at a blank screen. This feedback loop causes a laser dot aimed at the screen to be continuously re-produced by the projector and camera. In this way images can be "drawn" on the screen by a person with a laser pointer. "Clearing" the screen requires turning off the projector or interrupting the image of the projector. While the system of Muckerheide does appear to be an ingenious use of lasers, video cameras and video projectors; Applicant submits that non-verbal communication using this system requires a substantial degree of dexterity and concentration on the part of the patient in order to "write" or "draw" legible symbols on the screen. Additionally, the complex technical nature of the elements of Muckerheide's system would discourage its use in combination with other systems.

By contrast, one preferred embodiment of Applicants' system involves a simple chart comprising a plurality of symbols substantially permanently printed on a printable surface (such as paper or poster board, etc). Applicants' system requires a minimum of concentration or dexterity from the patient, requiring the patient to merely point at a pre-printed symbol or word in order to communicate a concept to the caregiver. Thus, Applicants' system achieves the goal of facilitating communication between a verbally-impaired patient and a caregiver while substantially eliminating the technical complexity of Muckerheide's system.

Applicants submit that the above amendments to Claims 6, 17 and 21 distinctly point out further unique features of Applicant's invention. For example, Claim 6, as amended, recites: "a series of displays ... comprising a plurality of symbols grouped by subject

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matter... wherein the displays do not require electrical power to maintain the symbols thereon.” Applicants submit that Claims 6-9, 17 and 21-23 are not anticipated or rendered obvious by the prior art of record. Applicants further submit that Claims 10-12 which are dependent on Claim 6 are also not anticipated or rendered obvious by the prior art of record.

Obviousness under 35 U.S.C. § 103

Claims 1-5, 13-16 and 18-20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Muckerheide in view of Drumm.. The Examiner suggests that a person having ordinary skill in the art would have found it obvious to modify Muckerheide with the teachings of Drumm in order to produce the claimed invention. Applicants respectfully disagree and submit that the claimed invention would not result from the suggested combination, even if such a combination could properly be made. Moreover, Applicants submit that a person having ordinary skill in the art would not have been motivated to make the suggested combination.

As discussed above, the Muckerheide patent describes a communication system which requires a complex setup of cameras, projectors, and a screen to allow a user to communicate non-verbally by “drawing” letters and/or symbols on the screen. Thus, both the camera and the projector must be on in order to maintain the user’s ability to “draw” new images to communicate.

In a completely field of endeavor, Drumm teaches a computer input device that employs an orientation sensor to provide a physically impaired user with a means for interfacing with a computer. As shown in FIG. 1, the input device (10) is connected to a computer (14) so as to allow a user to control a location of a cursor on a display screen (18) by tipping his/her head.. This system also requires a substantial amount of complex equipment. Moreover, the system of Drumm is directed towards allowing a user to input commands to a computer rather than facilitating communication between two people. Thus, Applicants respectfully submits that a person having ordinary skill in the art would not have been motivated to make the suggested combination, since the combination requires arbitrarily selecting elements from disparate prior art teachings in order to reconstruct Applicants’ claims using improper hindsight based on Applicants’ own disclosure.

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Applicant notes that a suggestion to combine prior art teachings must be found in the prior art and cannot be based on the Applicant's own disclosure (M.P.E.P. 2142). Moreover, Applicants submit that there is no teaching in either Muckerheide or Drumm that would lead one having ordinary skill in the art to conclude that combining the complex system of Muckerheide with the complex system of Drumm would produce the advantage of "a system with greater efficiency in setup and coordination for the user" as suggested by the Examiner. For this reason as well, Applicants respectfully submit that the suggested combination cannot properly be made.

Applicants submit that Claims 1-6, 13-16 and 18-20 as presented above are not anticipated or rendered obvious by the prior art of record. Thus, Applicants respectfully request reconsideration and allowance of these claims.

CONCLUSION

Applicant respectfully traverses each of the Examiner's rejections and each of the Examiner's assertions regarding what the prior art shows or teaches. Although amendments have been made, no acquiescence or estoppel is or should be implied thereby. Rather, the amendments are made only to expedite prosecution of the present application, and without prejudice to presentation or assertion, in the future, of claims on the subject matter affected thereby. Any arguments in support of patentability and based on a portion of a claim should not be taken as founding patentability solely on the portion in question; rather, it is the combination of all of the features or acts recited in a claim which distinguishes it over the prior art. Additionally, any argument made in support of patentability of a single claim is intended to refer only to the claim which is addressed in the argument, and should not be read as influencing the interpretation of any other claims or claim limitations.

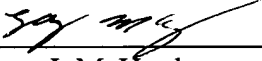
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In view of the foregoing, Applicant submits that the claims of the present application are in condition for allowance, and Applicant respectfully requests that the present application be passed to allowance at the earliest possible date. The undersigned has made a good faith effort to respond to all of the rejections and objections in the present application and to place the claims into condition for allowance. Nevertheless, if any issues remain which can be resolved by telephone, the Examiner is respectfully requested to call Applicant's representative at the number indicated below in order to resolve such issues promptly.

Respectfully submitted,

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Dated: 6/21/04

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